

Message Text

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PAGE 01 ABIDJA 04899 112007Z

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E.O. 11652: GDS

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SUBJECT: LANG AFRIQUE/SODESUCRE CONFLICT: MEDIATION EFFORT
SUCCESSFUL

REF: A) ABIDJAN 3874, B) ABIDJAN 3718, C) ABIDJAN 3341, D) ABIDJAN
2799

SUMMARY: AFTER SEVERAL DAYS OF INTENSIVE NEGOTIATIONS, DAVID MORSE WAS SUCCESSFUL IN ESTABLISHING A FRAMEWORK AGREED TO BY LANG/ISC AND GOIC/SODESUCRE FOR RESOLUTION OF OUTSTANDING ISSUES. THE MEO OF UNDERSTANDING SIGNED BY THE PARTIES PROVIDES FOR A TWO-PHASE APPROACH WHICH WILL PROCEED IN PARALLEL.

1. DAVID MORSE AND HIS ASSISTANT, JOHN CRAWFORD, BOTH OF LAW FIRM OF SURREY, KARASIK AND MORSE, SPENT FOUR DAYS HERE LAST WEEK BRINGING THE CONTESTING PARTIES IN THE ISC/LANG-SODESUCRE DISPUTE OVER COMPLETION OF THE FERKESSEDOUGOU SUGAR REFINERY TOGETHER AND ACHIEVING AGREEMENT ON NEXT STEPS. MORSE WORKED CLOSELY WITH EMBASSY AND WITH MINISTERS DIAWARA OF PLAN AND SAWADOGO OF AGRICULTURE, AS WELL AS WITH MESSRS. HOFKER AND STEIN OF ISC/LANG. HE ALSO CALLED ON PRESIDENT HOUPHOUET, ACCOMPANIED BY DIAWARA, AND THE PRSIDENT GAVE HIS FULL BLESSING TO MORSE'S MEDIATOR ROLE AND MEDIATION PROPOSALS. ACCORDING TO MORSE'S SESSION-BY-SESSION REPORTS TO AMBASSADOR
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PAGE 02 ABIDJA 04899 112007Z

AND DCM, ALL PARTIES DEMONSTRATED SWEETNESS AND LIGHT, AND

MINISTERS TOO FIRM HAND IN GETTING KIGBAFOROY OF SODESUCRE TO COOPERATE. MORSE HAD SEEN KENEALLY, PRESIDENT OF ISC, TWO DAYS BEFORE COMING TO ABIDJAN, AND HAD LATTER'S FULL SUPPORT FOR MOVES HE PROPOSED TO TAKE. ALL IN ALL, THEREFORE, HE HAD A FAIRLY FREE HAND TO MOVE MEDIATION FORWARD. HE WILL BE IN PARIS FOR BALANCE OF JUNE AND BE ABLE TO WORK CLOSELY WITH NEGOTIATORS FOR BOTH PARTIES TO DISPUTE.

2. PHASE I PROVIDES THAT:

A. THE FERKESSEDOUGOU SUGAR COMPLEX WILL BE SATISFACTORILY COMPLETED BY SEPTEMBER 15. LANG/ISC COMMIT THEMSELVES TO MEET THIS DATE ON CONDITION THAT SODESCURE WILL IMMEDIATELY MAKE AVAILABLE ALL NECESSARY FUNDS.

B. THE BASIC FRAMEWORK FOR FUNDING IS CONTAINED IN A STATEMENT OF CLAIMS SUBMITTED BY LANG AND INCLUDES AMOUNTS OWED TO VENDORS IN IVORY COAST AND ABROAD. AN INDICATIVE FIGURE OF DOLLARS 2.2 MILLION WAS ESTABLISHED. FUNDS ARE TO BE MADE AVAILABLE WITHOUT PREJUDICE TO ANY OF THE MATTERS IN DISPUTE NOW OR IN THE FUTURE.

C. FUNDS ARE TO BE PAID OUT UNDER A JOINT SYSTEM OF CONTROLS AGAINST SUPPORTING DOCUMENTS OR THE PARTIES, ON A CASE-BY-CASE BASIS, MAY AGREE TO PAY SUPPLIERS DIRECTLY. THE MECHANICS FOR THE CONTROL OF PAYMENTS IS TO BE IN PLACE WITHIN TWO WEEKS.

D. TO ACHIEVE THE COMMON OBJECTIVE, LANG IMMEDIATELY MUST MAKE AVAILABLE THE NECESSARY PERSONNEL TO COMPLETE THE COMPLEX.

E. IN CASE OF DISPUTE OVER ANY PHASE I ACTIVITIES, THE MATTER IS TO BE REFERRED IMMEDIATELY TO THE MEDIATOR(MORSE) WHO WILL TAKE APPROPRIATE STEPS TO RESOLVE THE DISPUTE.

3. PHASE II PROVIDES THAT:

A. THE PARTIES WILL MEET IN PARIS THE WEEK OF JUNE 23. BETWEEN NOW AND THEN,THE TWO INTERLOCUTORS (TORCZNER FOR GOIC AND DICKSON FOR LANG/ISC) ARE TO LAY THE GROUNDWORK WITH THE MEDIATOR TO CLARIFY THE ISSUES.

CONFIDENTIAL

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PAGE 03 ABIDJA 04899 112007Z

B. IN PARIS THE PROGRAM WILL BE SET TO RESOLVE BY MEDIATION ALL OUTSTANDING ISSUES AS SOON AS POSSIBLE.

4. THE REMAINDER OF THE MEMO OF UNDERSTANDING WAS RHETORICAL, E.G., TO FORGET THE PAST, TO WORK IN A SPIRIT OF COOPERATION, ETC. IN ADDITION, THE MEDIATOR IS TO PLAY A MONITORING ROLE DURING THE COURSE OF PHASE I AND II.

5. CONSULTATION: ALTHOUGH EMBASSY PERSONNEL DID NOT SIT IN ON ANY OF THE DISCUSSIONS AND NEGOTIATIONS, IT WAS EVIDENT THAT MORSE DID A SUPERB JOB WITH ALL PARTIES. HIS MAN, CRAWFORD, HAD DONE A LOT OF ADVANCE HOMEWORK AND HE AND AMBASSADOR WERE ABLE TO GIVE MORSE CONSIDERABLE BACKGROUND ON THE LOCAL CAST OF CHARACTERS. MORSE PUT IT ALL TO EXCELLENT USE AND IS DEEPLY COMMITTED TO SEEING NEGOTIATIONS TO A SUCCESSFUL CONCLUSION. WE BELIEVE THAT FINALLY WE CAN REALLY LOOK TO THE COMPLETION OF THE FERKE' PROJECT IN THE NEXT THREE MONTHS OR SO. SMITH

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